

WILLIAM G. BERNARD.

[To accompany Bill H. R. No. 670.]

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APRIL 20, 1860.

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Mr. FOSTER, from the Committee on Invalid Pensions, made the following

REPORT.

*The Committee on Invalid Pensions, to whom was referred the petition and papers of William G. Bernard, late a soldier in the United States army, asking an increase of pension, report :*

That it is in evidence before your committee that the petitioner, William G. Bernard, on the 16th day of November, 1857, at Boston, enlisted in company B, first regiment of dragoons, and under the command of Captain John W. Davidson ; that he had been, prior to his enlistment, an accountant.

It further appears that he was with his company ordered to Fort Buchanan, in the Territory of New Mexico, and from thence to Fort Tejon, in the State of California. At the latter place there being an occasion for the use of lumber for the garrison, it is in evidence that the petitioner was ordered by the commanding officer of the post, Lieutenant Colonel Beall, to work in the government saw-mill ; and that while so employed, as his certificate of discharge states, he was accidentally thrown upon a circular saw while feeding it, by which casualty his right arm was so severely mutilated that he entirely lost the use of his right hand. He was also severely wounded in the head and face, part of which is sawed off, losing portions of the left molar and lower maxillary, and right superciliary ridge, leaving but the wreck of a man, who is totally disabled from obtaining his subsistence by labor.

It is in evidence that he performed all his duties faithfully and efficiently.

All the foregoing facts are fully proven by the certificate of discharge and by the certificate of the United States surgeon, before your committee.

The petitioner has been allowed a pension of eight dollars per month by the Commissioner of Pensions, being the extent permitted by law to be allowed by him.

The petitioner appeared before your committee, and they are unanimously of opinion that he cannot perform manual labor, nor even use

his hand to write, and that he is wholly disabled from obtaining his subsistence.

Your committee would say that the petitioner enlisted to perform military duty as a dragoon in the army and not as an operator in a saw-mill; but having been ordered by his commanding officer to perform this mill work, the requirements of strict discipline rendered it necessary that he should obey.

And your committee would say, also, that when the government induces a soldier to enlist in its army, a material part of the contract is, that he shall, among other things, receive proper medical treatment, attention, and skill, in the event of casualty. In this instance it is evident to your committee that proper surgical skill and aid was not given the petitioner; and this is supported by eminent surgeons who have since examined the wounds. His case, therefore, forms an exception to the general rule.

Under all the circumstances your committee think the petitioner entitled to an increase of pension, having been mutilated in performing labor foreign to that he was enlisted to perform, and they are of opinion that twenty-five dollars per month a very moderate compensation for the loss he has suffered. No money compensation could be made the equivalent for such mutilation as the petitioner has sustained.

Your committee, therefore, recommend the following bill, and ask its favorable consideration.